



Attorney Docket No.: MED03-11

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant(s): Charles D. Lennox, Steven M. Johnson, Susan Beinor, Maria Benson, Don Paul Nogueira, John W. Carroll, and Helen Maslocka
Serial No.: 10/706,327
For: METHOD AND DEVICE FOR RAPIDLY INDUCING AND THEN MAINTAINING HYPOTHERMIA
Filing Date: November 12, 2003
Examiner: Johnson III, Henry M.
Art Unit: 3739
Conf. No.: 6437

Certificate of Mailing Under 37 C.F.R. §1.8

I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: **MAIL STOP AMENDMENT**, Commissioner for Patents, PO Box 1450, Alexandria, Virginia 22313-1450 on:

Date: March 16, 2005 By: Farah Z. Frasco
(Typed or printed name of person mailing Document, whose signature appears below)

Signature: Farah Z. Frasco

MAIL STOP AMENDMENT
Commissioner for Patents
PO Box 1450
Alexandria, Virginia 22313-1450

TRANSMITTAL LETTER

Sir:

Enclosed is/are:

- Transmittal Letter (this form, 2 pages, in duplicate), Total Pages: 4;
- Restriction Requirement, Total Pages: 3;
- Return Receipt Pre-paid Postcard (in duplicate), Total Postcards: 2;
- Authorization to charge Deposit Account No. 50-0901, if required.

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	Claims Remaining After Amendment	Highest No. Previously Paid For	Present Extra	Rate	Additional Fee
Total Claims	56	56	0	X \$50.00	= \$ 0.00
Independent Claims	9	9	0	X \$200.00	= \$0.00
TOTAL ADDITIONAL FEE FOR THIS AMENDMENT					= \$0.00

Applicant hereby petitions for any extension of time which is required to maintain the pendency of this case. If there is a fee occasioned by this response, including an extension fee, that is not covered by an enclosed check, please charge any deficiency to Deposit Account No. 50-090.

If the enclosed papers or fees are considered incomplete, the Mail Room and/or the Application Branch is respectfully requested to contact the undersigned collect at (508) 366-9600, in Westborough, Massachusetts.

Respectfully submitted,



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Alexandria, Virginia 22313-1450

RESPONSE TO RESTRICTION REQUIREMENT

Dear Sir:

This paper is responsive to the Restriction Requirement mailed on February 16, 2005, in connection with the above-identified Application.

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The Restriction Requirement contends that the Application discloses two groups of inventions: Group I – Claims 1-40 and 43-56 drawn to thermal body applicators and Group II – Claims 41-43. The Restriction Requirement further contends that if Group I is elected, a species election is also required. As recited in the Restriction Requirement, Group I contains distinct species of the claimed invention:

- Species 1 shown by embodiment 1 in Figures 3&4.
- Species 2 shown by embodiment 2 in Figures 13&14.
- Species 3 shown by embodiment 3 in Figure 16.
- Species 4 shown by embodiment 4 in Figure 17.
- Species 5 shown by embodiment 5 in Figure 18.
- Species 6 shown by embodiment 6 in Figure 19.
- Species 7 shown by embodiment 7 in Figure 20.
- Species 8 shown by embodiment 8 in Figure 21.
- Species 9 shown by embodiment 9 in Figures 23.
- Species 10 shown by embodiment 10 in Figure 26.
- Species 11 shown by embodiment 11 in Figures 29&30.
- Species 12 shown by embodiment 12 in Figure 32.
- Species 13 shown by embodiment 13 in Figure 39.

The Restriction Requirement states that if Group I is selected, a species election is also required.

The Applicants hereby elect, without traverse, Group I, Species 1. The claims readable on Group I, Species 1 include claims 1, 2, 20, 21, 39, 40, 45, 46, 49, 50, 53, 54, 55, and 56.

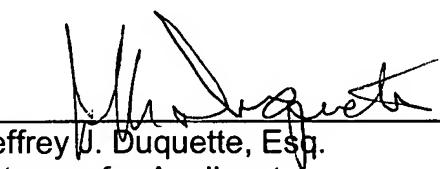
The Applicants expressly reserve the right to pursue Group I, Species 2-13 and Group II, which are the non-elected Embodiments, in one or more related Applications.

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An early and favorable communication is hereby earnestly requested. If the Examiner believes, after this Response, that the Application is not in condition for allowance, the Examiner is requested to call the Applicants' Representative collect at (508) 366-9600, in Westborough, Massachusetts.

Applicants hereby petition for any extension of time which is required to maintain the pendency of this case. If there is a fee occasioned by this Response, including an extension fee, that is not covered by an enclosed check, please charge any deficiency to Deposit Account No. 50-0901.

Respectfully submitted,



Jeffrey J. Duquette, Esq.
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Dated: March 18, 2005